UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/C.12/1997/SR.1
5 May 1997

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixteenth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 28 April 1997, at 10.30 a.m.

Temporary Chairperson: Mr. ZACKLIN (Officer-in-Charge,
High Commissioner/Centre for Human Rights)

Chairperson: Mr. ALSTON

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GE.97-16238 (E)

The meeting was called to order at 11 a.m.

OPENING OF THE SESSION (item 1 of the provisional agenda)

1. Mr. ZACKLIN (Officer-in-Charge, High Commissioner/Centre for Human Rights) declared open the sixteenth session of the Committee on Economic, Social and Cultural Rights and assured the members of the Committee that they had the full support of the Secretary-General, Mr. Kofi Annan.

2. He welcomed the fact that an economic, social and cultural rights component was being incorporated into specific country programmes under the advisory services and technical assistance programme of the High Commissioner for Human Rights, including a technical assistance project for South Africa and the provision of technical assistance to Honduras to enable that country to comply with its reporting obligation under the Covenant. In addition, a global project entitled "Integration of Economic, Social and Cultural Rights into the Technical Cooperation Programme" had been approved. The implementation of that project was under active consideration.

3. In its resolution 1997/17 the Commission on Human Rights had noted with interest the Committee's report on a draft optional protocol to the Covenant (E/CN.4/1997/105); the Committee's proposals to enhance the central role it played in the promotion and protection of economic, social and cultural rights, namely the adoption of a plan of action that would increase the Committee's ability to examine national reports and to assist Governments in their reporting duties; and the proposal to appoint a special rapporteur on questions relating to economic, social and cultural rights. The Commission had requested the High Commissioner for Human Rights and relevant human rights mechanisms and treaty bodies to pay greater attention to the protection of economic, social and cultural rights and had requested the Secretary-General to submit reports to the General Assembly and to the Commission on Human Rights on progress achieved towards the realization of the rights set forth in the Covenant, paying due consideration to the views of all relevant organizations on the opportuneness of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights; and their reactions to the report of the Committee on a draft optional protocol to the Covenant. The Commission had also requested the High Commissioner for Human Rights to give consideration to the plan of action for enhancing the effectiveness of the operations of the Committee.

4. In accordance with rule 13 of the Committee's rules of procedure, Mr. Ceausu, Mr. Grissa, Mrs. Jimenez Butragueño, Mr. Pillay, Mr. Sadi, Mr. Texier, and Mr. Rattray solemnly undertook to discharge impartially and conscientiously their duties as members of the Committee.

ELECTION OF OFFICERS (item 2 of the provisional agenda)

5. Mr. CEAUSU, supported by Mr. GRISSA and Mrs. JIMENEZ BUTRAGUEÑO, nominated Mr. Alston for the office of Chairperson.

6. Mr. Alston was elected Chairperson.

7. Mr. ADEKUOYE nominated Mr. Grissa for the office of Vice-Chairperson.

8. Mr. KOUZNETSOV nominated Mr. Ceausu for the office of Vice-Chairperson.

9. Mr. AHMED supported both those nominations.

10. Mr. Ceausu and Mr. Grissa were elected Vice-Chairpersons of the Committee.

11. Mr. AHMED, supported by Mrs. JMENEZ BUTRAGUEÑO, nominated Mrs. Bonoan-Dandan for the office of Rapporteur.

12. Mrs. Bonoan-Dandan was elected Rapporteur.

13. The CHAIRPERSON announced that, for practical reasons, the Committee would elect the third Vice-Chairperson at a later meeting.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (E/C.12/1997/1)

14. The agenda was adopted.

ORGANIZATION OF WORK (item 4) (E/C.12/1997/L.1)

15. The CHAIRPERSON, reviewing the situation since the Committee's previous session, said that the question of the elaboration of a draft protocol to the Covenant was to be placed on the agenda of the next session of the Commission, while the question of the appointment of a rapporteur on economic, social and cultural rights would be considered again in 1998. It would also be necessary to establish, at the national level, criteria for evaluating the way in which countries fulfilled their obligations in respect of economic, social and cultural rights.

16. Recognition of the right to adequate food was an important step forward. That question had been considered at the World Food Summit held in November 1996 and within FAO. In general, the incorporation of economic, social and cultural rights in technical cooperation and other programmes would constitute a significant step forward.

17. Reviewing the situation in a number of countries, he noted that a satisfactory solution appeared to have been found to the situation regarding school fees in the canton of Zurich. Israel, however, had still not answered the two letters addressed to it by the Committee. With regard to the Dominican Republic, the Committee would have to decide on its response to the Government's invitation to the Committee to visit the country in order to examine the human rights situation there, before the answers on the issues raised concerning the second periodic report were considered.

18. The Committee might wish to ask the Rapporteur to report on the meeting on violation of economic, social and cultural rights held in Maastricht in January 1997, as well as on the seminar that had taken place in New York in December 1996. It would also be desirable for the Committee to ask one of its members to attend the forthcoming meeting of special rapporteurs.

19. With reference to the reports which the States parties had to submit to the treaty bodies, he felt that States should perhaps no longer submit lengthy reports, as they did at present, but should report only on specific issues which the Committee deemed important.

20. The Committee was being asked to approve a plan of action to strengthen the implementation of the Covenant, that would provide for the establishment of a special trust fund to be financed from voluntary contributions. The purpose was to organize training workshops on economic rights for governments in particular.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 9)

21. Mr. TEXIER said that it would be useful to reconsider the draft Optional Protocol and see whether it was desired merely to note the draft text or whether the Commission should proceed further and study the question more fully with a view to adoption of the draft. He had sought to ascertain the position of France but had received only a cautious answer. In his view the draft Protocol should be promoted more actively and a strategy to that end should be worked out. With reference to Honduras, a country which had never submitted a report, he wished to know what position the Committee wished to take, as Honduras had been allowed a further delay up to the present session.

22. Mrs. BONOAN-DANDAN said that the final report of the Maastricht meeting should be circulated to all members of the Committee, as it constituted a useful reference document for their work.

23. Mr. GRISSA referred to the recent decision of the United Kingdom authorities to deny to non-Chinese residents of Hong Kong, holders of United Kingdom passports, the right to settle in the United Kingdom. He asked whether there had been any new developments in that regard and what was the attitude of the new Chinese authorities with regard to respect for human rights.

24. Mr. SADI drew the Committee's attention to the risk of overlapping between the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as the former also dealt with cultural rights but did not refer to economic and social rights. He also wondered whether the Committee should not consider the impact of the policies of the World Bank and the International Monetary Fund on the implementation of the International Covenant on Economic, Social and Cultural Rights. Many countries had expressed concern regarding the possible existence of a conflict between the objectives pursued by those two bodies at the world level and the principles of the Covenant.

25. The CHAIRPERSON, replying to the points that had been raised, said that the Government of Honduras had requested assistance in the form of advisory services for the preparation of its report. Such assistance had been provided by the Centre for Human Rights and the report of Honduras was in preparation. Several other countries, including Canada, had informed the Committee that their report would be received shortly. It was necessary to determine whether those reports should be considered in the order planned or whether they should

be taken up first. He favoured the latter course of action. With regard to Hong Kong, a reply had been received from the United Kingdom Government regarding the case of Vietnamese asylum-seekers whose names had been mentioned and the reply had been deemed satisfactory. China had announced its intention to ratify the Covenant. That made it unnecessary to find out whether there was to be a report on Hong Kong and who would prepare it. He was not, however, in a position to say whether China had undertaken to respect human rights, even though statements to that effect had been made. The possibility of an overlapping between the Optional Protocol and other instruments was an important matter, but the Committee had completed the preparation of its draft text and the topic was no longer on its agenda. However, there was nothing to prevent the formulation of additional comments or the establishment of a drafting committee to ensure that that question was taken into account. The question of structural adjustment and the role of the World Bank and IMF had been discussed on a number of occasions, but more detailed consideration could be given to the matter if members of the Committee so desired.

The meeting rose at 12.20 p.m.